

**In the United States District Court  
for the Southern District of Texas  
Houston Division**

**TAAJWAR ALI,**

*Plaintiff,*

**v.**

**RODNEY SNEED,**

*Defendant.*

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**Civil Action No. \_\_\_\_\_**

**DEFENDANT DEPUTY RODNEY SNEED’S NOTICE OF REMOVAL**

Defendant, Harris County Sheriff’s Office Deputy Rodney Sneed, files this Notice of Removal pursuant to 28 U.S.C. §§ 1331 and 1441, respectfully showing the Court the following:

1. Deputy Sneed seek to remove Plaintiff’s lawsuit from state court based on this Court’s original jurisdiction over claims arising under federal law. 28 U.S.C. §§ 1331, 1441(a), and 1441(c). On September 28, 2017, Plaintiff filed his Original Petition (“petition”) under Cause No. 2017-64498 in the 215th Judicial District Court of Harris County, Texas. Plaintiff’s petition alleges causes of action under 42 U.S.C. § 1983 and state law.

2. Plaintiff attempted to serve process to Deputy Sneed in November 2017 by certified mail, return receipt requested. Although such service of process is authorized under Texas law, Plaintiff failed to strictly comply with the Texas Rules of Civil Procedure because the service return was not delivered to or signed by Deputy Sneed. TEX. R. CIV. P. 106(a), 107(c). *See also* Index of Matters filed upon Removal (showing Deputy Sneed never signed for service). Thus, service was defective and Deputy Sneed was never properly served process.

3. Plaintiff apparently knew his original attempt at service by certified mail was deficient because he requested subsequent service on December 18, 2017. *See* Index of Matter filed upon Removal.

4. Deputy Sneed did not learn about this lawsuit until well after Plaintiff attempted to serve process.

5. Despite defective service Deputy Sneed received service of a motion for default on December 28, 2017, and he filed his answer in state court to avoid a default judgment on January 3, 2018.

6. No other defendants have been properly served and thus their consent is not required. This notice is filed within thirty days after Deputy Sneed learned of this lawsuit and entered an appearance in state court, and thus this notice is timely.

7. Venue is proper in this Court because Deputy Sneed resides in Harris County, Texas, which is located within the Houston Division of the Southern District of Texas. In addition, a substantial part of the alleged events or omissions giving rise to Plaintiff's claims occurred in Harris County. 28 U.S.C. §§ 1391(b)(1), (b)(2).

8. Deputy Sneed made a jury demand in state court.

9. Copies of all process and pleadings filed in Cause No. 2017-64498 have been appended to this Notice. The appendix includes a table of contents. Deputy Sneed has also appended a civil cover sheet and a list of counsel.

10. Written notice of the filing of this Notice of Removal is being served on all adverse parties as required by 28 U.S.C. § 1446(d). A true and correct copy of this Notice will be filed with the District Clerk of Harris County, Texas, as required by 28 U.S.C. § 1446(d).

Therefore, Defendant Deputy Rodney Sneed respectfully requests that this action be removed to the United States District Court.

**Date: January 4, 2018**

Respectfully submitted,

/s/ Keith A. Toler

**KEITH A. TOLER**

Assistant County Attorney

Texas Bar No. 24088541

**Attorney in Charge**

HARRIS COUNTY ATTORNEY'S OFFICE

1019 Congress, 15th Floor

Houston, Texas 77002

Telephone: (713) 274-5265

Facsimile: (713) 755-8924

Email: Keith.Toler@cao.hctx.net

**Of Counsel:**

VINCE RYAN

Harris County Attorney

*Counsel for Defendant*

*Harris County Sheriff's Office Deputy*

*Rodney Sneed*

### **CERTIFICATE OF SERVICE**

I certify that on January 4, 2018, I served a true and correct copy of this motion to U.A. Lewis, attorney for Plaintiff Taajwar Ali, by electronic service and the electronic transmission was reported as complete.

U.A. Lewis  
The Lewis Law Group, PLLC  
P.O. Box 27353  
Houston, Texas 77027  
myattorneyatlaw@gmail.com

*Counsel for Plaintiff*

/s/ Keith A. Toler

**KEITH A. TOLER**

Assistant County Attorney